

Attorney Docket Number: FSP0028
Client Reference Number: AWS 691.US
Title: AUTOMATIC DEVICE CONFIGURATION TO RECEIVE NETWORK SERVICES
Application Number: 10/662,752

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REMARKS

In an office action mailed on 12/09/2006, claims 1-20 are rejected under 35 USC 102(e) as anticipated by Vuoristo, US 6,603,969. The office action is made final. A Request for Continued Examination under 37 CFR 1.114 is timely filed along with the fee set forth under 37 CFR 1.17(e). The application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) is timely paid, hence the finality of the previous office action should be withdrawn pursuant to 37 CFR 1.114, and this submission should be entered.

There are 22 claims pending in the application, not 20 as the Office Action asserts.

No basis is provided for the rejection of claims 21 or 22.

Although claim 13 is rejected, no basis is provided for the rejection. The Office Action fails to cite any section of Vuoristo which recites:

one or more network elements to communicate configuration software to the terminal device;

the configuration software comprising logic that, when applied by the terminal device, effects the device settings.

No where in Vuoristo is there taught or even suggested that the network could communicate configuration software to the terminal devices to effect device settings.

No basis is provided for the rejection of claim 20, specifically:

the network identifying services compatible with device and-or location information of the message;

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the network identifying device settings compatible with the identified services and-or device information and-or location information of the message;
the network communicating the device settings to the communication device; and
the communication device putting into effect the device settings communicated from the network.

No where in Vuoristo is there taught that the network identifies device settings compatible with device/location information and communicates those settings to the terminal device.

Claims 4-6, 8, 16 Re: Vuoristo

Claim 4 is directed to a terminal providing device information to a SIM (subscriber information module), receiving from the SIM a communication that includes the device information, and transmitting the communication to a network.

“Device information” is information about the device’s capabilities to receive, process, and display information. Examples of device information are provided at the specification of the present application, Par. 25.

In Vuoristo, the information provided by the terminal device to the network in support of a changed service profile does not involve device information as defined in the present application. See Vuoristo Fig. 2, col. 3.

Claim 4 involves the terminal device providing device information to the SIM, and the SIM processing the device information into a message to the network.

Vuoristo does not teach or suggest any such role for the SIM. Vuoristo teaches that the terminal device (e.g. mobile unit) selects a new service profile according to certain events or conditions, and notifies the network of the new service profile. The SIM in Vuoristo plays a passive storage role and is not involved in processing device information into network communications.

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“It is possible in the other embodiments to store a location area for a service profile in the memory of the mobile station, preferably in memory M2 of the SIM card. The location area can be based either on cell information or on geographical co-ordinates. Then the mobile station control unit CP is arranged to detect the arrival at the location area and to trigger the service profile change. Similarly a schedule can also be stored in the mobile station memory, preferably in the SIM card memory M2, in which schedule the points of time are determined and for each point of time is defined a service profile which is switched to use at the beginning of the point of time. At this time the mobile station control unit comprises a time counter TC by which the points of time are detected and the control unit CP triggers the profile change. If the mobile station does not attend to the update messages, the control unit CP sends a message indicating the profile change as a result of the profile change to the network unit attending to the update messages.”

(See Vuoristo, Col. 11, lines 33-67)

The present claims and Vuoristo contemplate different situations. The present claims contemplate a SIM device moved among multiple terminal devices. Services available to the terminal device are selected at least in part according to the capabilities of the terminal device for which the SIM is activated. Services may also be selected at least in part according to the terminal device's location, and/or according to user information. In any case, the SIM receives the information and formulates a message to the network.

Vuoristo contemplates that a particular terminal device may select different service profiles according to various conditions, such as location and times of day. Vuoristo does not teach involving the SIM in forming a message to the network that includes the device information. Vuoristo contemplates the SIM as a passive storage media for certain information but does not contemplate the SIM formulating network communications including device information. Such a need does not arise in Vuoristo

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because Vuoristo is not directed to situations where device settings may be altered to accommodate services available when the SIM is moved from one terminal device to another.

Claims 5, 8, and 16 involve the terminal device providing location information to the SIM and receiving from the SIM a communication comprising the location information. Vuoristo contemplates the terminal device applying location information to selection of a service profile, but, again, does not teach or contemplate the role of the SIM in formulating a message to the network that includes the location information.

Claims 9 and 18 involve the SIM formulating a communication comprising user information. Again, no such role for the SIM is contemplated by Vuoristo.

Claims 7, 10, 14, 15 Re: Vuoristo

Claims 7, 14, and 19 involve a SIM responding to activation of the SIM in a terminal device by receiving device information from the terminal device, and, if the terminal device is different than the terminal device used with the previous activation of the SIM, formulating a communication comprising the device information.

Again, Vuoristo is directed to something else entirely. Vuoristo does not contemplate such a role for the SIM, because Vuoristo is not directed to situations of updating device settings when a SIM is activated in a device different from a previous device in which the SIM was activated. Instead, Vuoristo is directed to dynamically updating service profiles for a particular terminal device as circumstances such as location and time of day change.

Claims 10 and 15 involve the SIM formulating an SMS, EMS, or MMS communication comprising the device information, and causing the SMS, EMS, or MMS communication to be transmitted to a network. Vuoristo does teach that the terminal device and/or network may communicate using SMS (e.g. col. 5, lines 48-58) but does

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not contemplate use of the SIM to formulate and cause communication of such messages, or use of such messages that include device information.

Claims 11, 13, 17 Re: Vuoristo

Claim 11 involves one or more network elements that locate subscriber data in response to a communication from a terminal device that includes device capabilities to receive and render services. The network elements identify subscriber services compatible with the device capabilities, determine terminal device settings compatible with the identified services, and communicate the device settings to the terminal device.

Vuoristo does not teach network elements having such capabilities. Such capabilities are not taught by Vuoristo at least because Vuoristo teaches changes to service profiles of a single terminal device, and therefore Vuoristo does not teach or contemplate changes in device capabilities as the SIM for the subscriber is activated in different devices.

Claims 13 and 17 involve network elements communicating configuration software to the terminal device to put into effect the device settings. Vuoristo provides no teaching of communicating configuration software to the terminal device.

Claims 20-22 Re: Vuoristo

Claims 20-22 are directed to an overall process involving both the terminal device and network, where a SIM is moved among terminal devices and updated terminal device settings in support of subscriber services are determined and put into effect. These claims are distinct and patentable over Vuoristo for at least the reasons provided above in support of other claims.

Conclusion

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Vuoristo does not teach or suggest aspects of the present claims. Vuoristo is directed to different situations than the present claims. For at least the reasons provided above, allowance of the claims is hereby requested.

Signature	/Charles A. Mirho/ Charles A. Mirho Reg. 41,199 Attorney for Applicant	Date: 4/13/2006
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